

FILED

September 5, 2003
Clerk, U.S. Bankruptcy Court

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON**

In Re:)
)
CHAPTER 13 PLAN PROVISION RE:) GENERAL ORDER NO. 03-2
ATTORNEY FEES AND SUPPLEMENTAL)
APPLICATIONS FOR COMPENSATION)
)

It has come to the court's attention that there are differences of opinion as to the interpretation of the language of Pt. 2(b)(2) of the current District of Oregon chapter 13 plan local bankruptcy form (LBF) #1300. Specifically, the court understands that certain debtor's counsel and the chapter 13 trustees may have interpreted the subject provision to mean that, if the option for payment of attorney fees prior to payment of all creditors was checked, that option covered supplemental applications for compensation as well as original attorney fees. The Portland judges sent a letter to Rick A. Yarnall, the Portland chapter 13 trustee, on April 17, 2003 that questioned that interpretation. However, for purposes of administrative efficiency, it is important to clarify how the administration of chapter 13 plans filed prior to September 14, 2003 on LBF #1300 will be treated. Now, therefore,

IT IS ORDERED that:

1. For chapter 13 plans using LBF #1300 or supplemental fee applications filed on or before September 14, 2003, absent a court order in an individual Chapter 13 case, after request of a party in interest and a hearing, no action will be required of the Chapter 13 trustees to revisit their administration of the provisions of Pt. 2(b)(2) of any such confirmed chapter 13 plans.

2. For chapter 13 plans using LBF #1300 filed on or before September 14, 2003, absent a court order in an individual chapter 13 case, after request of a party in interest and a hearing, any supplemental fee applications filed on or after September 14, 2003 must include in Pt. 6 of the supplemental fee application (i.e., LBF #1307), the specific creditor(s) affected and a description of the effect that allowance of the fees will have on the payments to each specific creditor until the supplemental fees are paid.

3. For Chapter 13 plans filed on or after September 14, 2003, unless the plan specifies in the "other" box in Pt. 2(b)(2) that supplemental attorney fees will be paid in the same manner as the original fees, and Pt. 6 of the supplemental fee application includes the specific creditor(s) affected and a description of the effect that allowance of the fees will have on the payments to each specific creditor, the trustee shall not pay any allowed supplemental attorney fees until after the Pt. 2(b)(1) claims are paid in full.

/s/Albert E. Radcliffe
Albert E. Radcliffe
Chief Bankruptcy Judge